

### **AMENDMENTS TO THE DRAWINGS**

Attached are two sheets of formal Replacement Drawings containing Figures 2 and 6, which includes changes.

The first sheet of Replacement Drawing replaces the corresponding originally filed sheet including Figs. 1 and 2. In Figure 2, a previously omitted label for element 52 has been added. No changes have been made to Figure 1. Also attached is an annotated copy of Figure 2 showing the changes.

The second sheet of Replacement Drawing replaces the corresponding originally filed sheet including Figs. 5 and 6. In Figure 6, a previously omitted label for element 92 has been added. No changes have been made to Figure 5. Also attached is an annotated copy of Figure 6 showing the changes.

No new matter is believed to be introduced as a result of the foregoing changes to the Figures.

### **REMARKS**

This paper is responsive to the Office Action. Claims 1, 9 and 20 are amended. Claims 1-24 remain pending in the application.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims, specification and drawings and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Applicant notes that the amendments and remarks herein are not intended to, and do not, constitute an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the claim amendments and/or remarks herein are submitted merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Moreover, these claim amendments and remarks, or a lack of remarks, should not be construed as an acquiescence, on the part of the Applicant, as to the purported teachings or purported prior art status of the cited references, nor as to the characterization of the cited references advanced by the Examiner. Accordingly, Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

#### **A. Rejection Under 35 U.S.C. §102(e)**

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *See* Manual of Patent Examining Procedure ("M.P.E.P.") § 2131.

The Examiner has rejected claims 1-16 and 18-24 under 35 U.S.C. § 102(e)<sup>1</sup> as being anticipated by United States Patent Publication No. 2003/0091304 A1 to Tonai et al. ("*Tonai*"). For at least the reasons outlined below, Applicant respectfully disagrees with the Examiner.

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<sup>1</sup> Because *Tonai* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Tonai* is in fact prior art to the claimed invention but reserve the right to swear behind *Tonai* if necessary to remove it as a reference.

For example, Applicant respectfully notes that while the Examiner has asserted that *Tonai* teaches a “a first facet 30 parallel to a second facet,” the Examiner has, in fact, failed to identify which particular element illustrated in Fig. 3B of *Tonai* that the Examiner believes to constitute the claimed “second facet.” That is, the Examiner has based the rejection of the claims at least in part upon a vague assertion that some, unspecified, “second facet” purportedly disclosed in *Tonai* is “parallel” to “first facet 30” (see Fig. 3B of *Tonai*) of the “optical component 25.” Because the Examiner has failed to identify which element of *Tonai* that the Examiner believes to constitute the claimed “second facet,” it is likewise unclear what the basis is, if indeed there is any basis, for the assertion of the Examiner that the *Tonai* optical component has “a first facet 30 parallel to a second facet” (emphasis added).

For at least the reasons discussed above, Applicant submits that the Examiner has failed to establish that the identical invention that is the subject of claims 1-16 and 18-24 is shown in *Tonai* in as complete detail as is contained in those claims. Applicant further submits that the Examiner has likewise failed to establish that *Tonai* teaches the arrangement of the elements required by those claims. Accordingly, Applicant respectfully submits that the rejection of claims 1-16 and 18-24 under 35 U.S.C. § 102(b) has been overcome and should be withdrawn.

**B. Rejection Under 35 U.S.C. § 103**

The Examiner has rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Tonai*. Specifically, the Examiner asserts that “it would have been obvious ... to choose a thickness of 1 mm ... since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.” Applicant disagrees with the contention of the Examiner however.

By virtue of its dependence from amended claim 9, claim 17 requires “a first optical component having a first facet and a second facet, the second facet being parallel to the first facet.” As discussed above in connection with claims 1-16 and 18-24 however, the Examiner has not established that the cited reference teaches, or even suggests, such a limitation. Thus, even if the teaching of *Tonai* were modified in the purportedly obvious manner advanced by the

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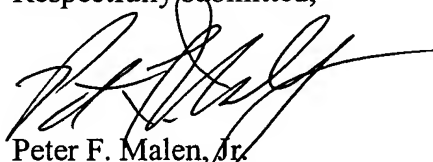
Examiner, the resulting combination nonetheless fails to include all the limitations of claim 17. For at least this reason, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 17, and accordingly requests that the rejection of claim 17 be withdrawn.

**CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-24 is now in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 20<sup>th</sup> day of May, 2005.

Respectfully submitted,



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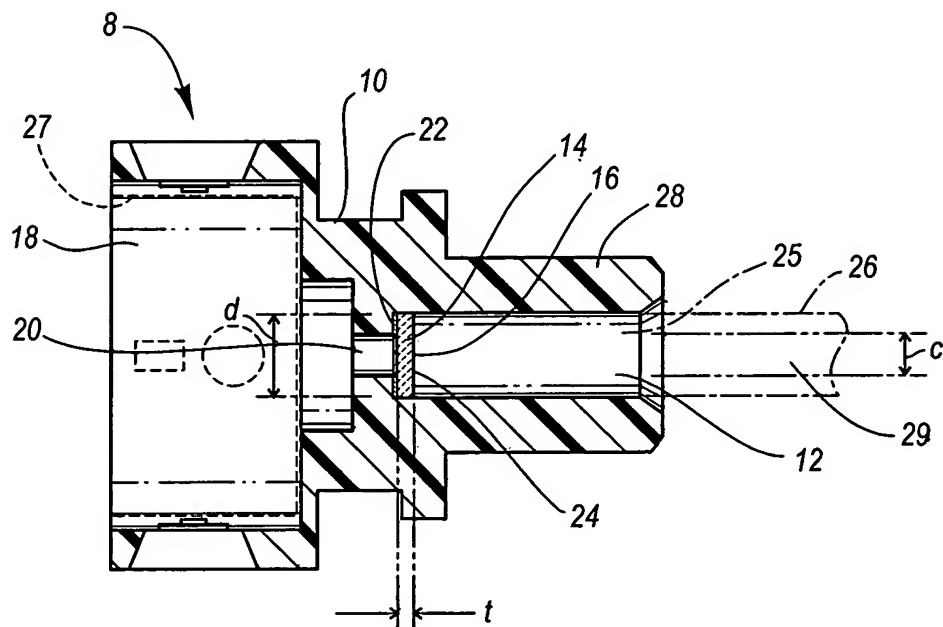


Fig. 1

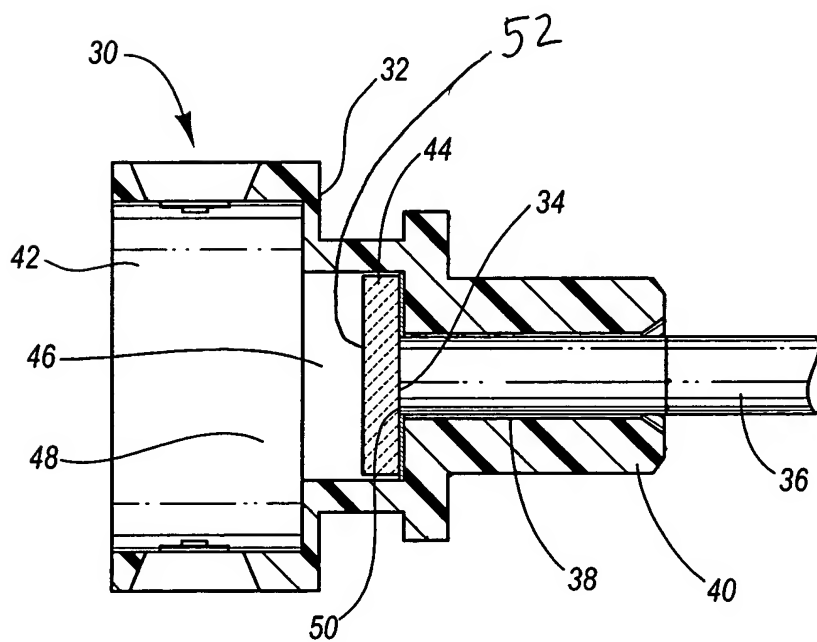
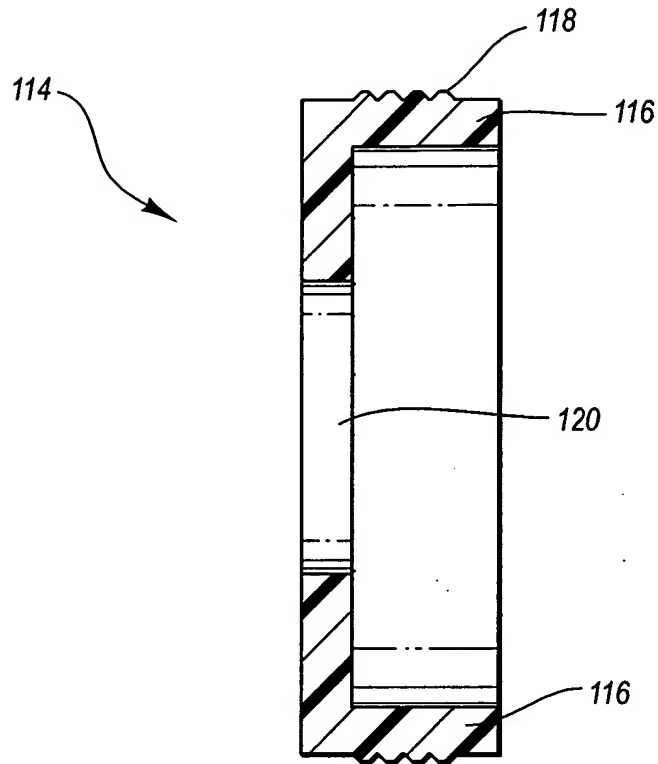
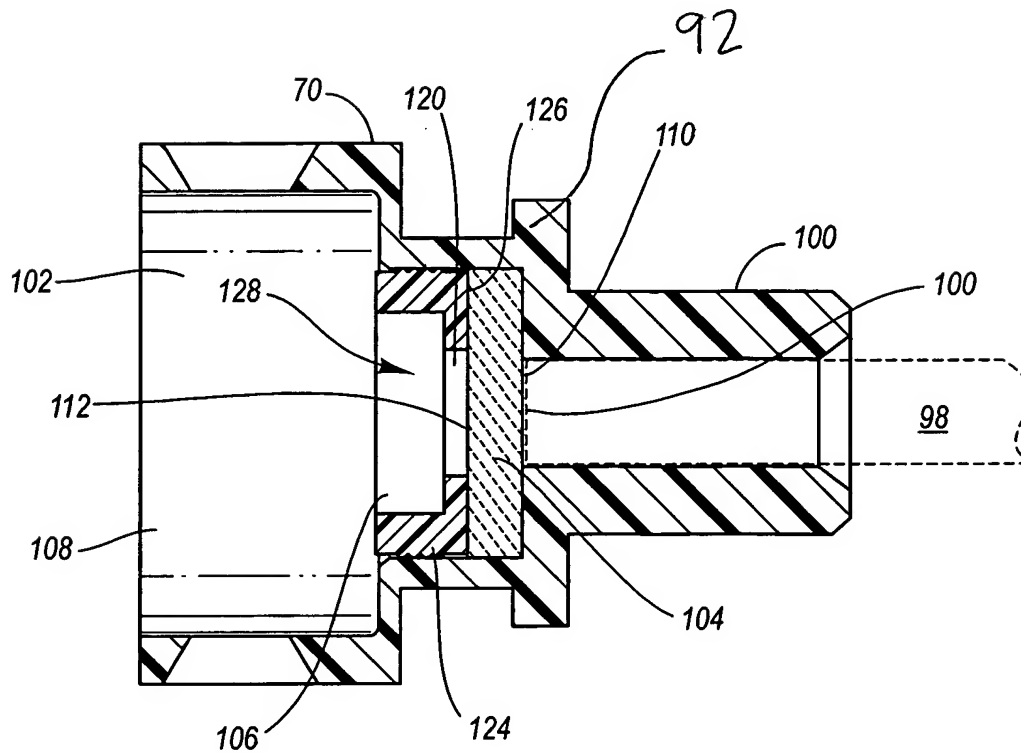


Fig. 2

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**Fig. 5**



**Fig. 6**